

SENATE BILL 107
By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 2, relative to mental health services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-2-602, is amended by adding the following language as new, appropriately designated subsections:

() As used in this act:

(1) "Catchment area" means an established defined geographic area within the state which may include multiple counties and/or a portion of a county or counties within which a single community mental health center is contractually responsible for the provision of disaster-related and essential mental health services to those residents who need such services.

(2) "Community mental health center" means a private entity qualified as a tax exempt organization under Internal Revenue Code 501(c)(3) or a public entity created by private act of the general assembly; provided, however, prior to July 1, 1992, such entity must have been an approved provider in Tennessee under the Medicaid Clinic Option and a grantee of the department of mental health and mental retardation with an established catchment area. If on or after July 1, 1992, any such entity underwent a corporate name change or corporate restructuring, then the successor or surviving corporation that retains the right to

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the established community mental health center catchment area shall be deemed to be a community mental health center for purposes of this act.

() By October 1, 1997, the commissioner of the department of mental health and mental retardation shall establish by rule procedures and requirements necessary to implement a system for assuring that a continuum of essential mental health services shall be made available to those citizens throughout the state who for any reason are not eligible for services through the Medicaid program or any waiver granted under the Medicaid program, specifically including the TennCare program. The continuum of essential services shall include, but not necessarily be limited to, services identified in Tennessee Code Annotated, Section 33-1-208, and shall be provided on an ability-to-pay basis through a direct contractual agreement between the department of mental health and mental retardation and the community mental health center or another provider for each established community mental health center catchment area within the state. The department of mental health and mental retardation shall be responsible for contracting for the provision of such services in each community mental health center catchment area established by federal law and historically recognized by the department of mental health and mental retardation.

() By October 1, 1997, the commissioner of the department of mental health and mental retardation shall establish by rule procedures and requirements necessary to implement a system for assuring that mental health counseling, treatment, and support services shall be available to citizens throughout the state who are affected by disastrous, catastrophic, or unforeseen events of great misfortune or public loss. The department of mental health and mental retardation through a direct contractual agreement between the community mental health center or another provider responsible for each established mental health center catchment area shall develop a statewide system of disaster-related care and support services for individuals and families who are

victims of such events. Such contractual agreements shall support the provision of disaster-related care for all citizens throughout the state on an ability-to-pay basis. The department of mental health and mental retardation shall be responsible for contracting for the delivery of such services in each established community mental health center catchment area established by federal law and historically recognized by the department of mental health and mental retardation.

() The department of mental health and mental retardation shall contract directly with a provider for the delivery of disaster-related and essential mental health services for each established community mental health center catchment area. The community mental health center shall have the right of first refusal to contract with the department of mental health and mental retardation to deliver such services as it is recognized as the primary provider of community mental health services for its respective catchment area established within the state as set forth in Tennessee Code Annotated, Section 33-2-301.

SECTION 2. For purposes of rule promulgation, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on October 1, 1997.